

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re IMPINJ, INC. SECURITIES
LITIGATION

NO. C18-5704RSL

ORDER DENYING MOTION TO
MODIFY

This matter comes before the Court on defendants’ “Unopposed Motion for Modification of the Order Preliminarily Approving Settlement and Authorizing Dissemination of Notice of Settlement.” Dkt. # 94. The Court made a number of changes to the proposed order and notice submitted by the parties, including deleting the requirement that opt outs and objectors provide substantial - and potentially onerous - details regarding stocks held and purchases made during the class period. While such a requirement is appropriate and proportional when a class member is submitting a claim for money out of the settlement fund, forcing an absent class member to investigate and disclose his or her investment history simply for the privilege of not being part of the class is too high a hurdle and risks representative litigation that is not fully consensual.¹

¹ The Court appreciates that defendants would like to have opt outs provide the detailed information regarding shares owned and valuation throughout the class period so that they can easily determine whether settlement remains their best option or whether they should walk away from the deal. But the parties’ decision to base their blow-up agreement on factors that are, apparently, difficult for defendants to ascertain is not the putative class members’ fault and should not be an obstacle to their

1 For all of the foregoing reasons, defendants' motion to modify the preliminary approval
2 order is DENIED.

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4 DATED this 5th day of August, 2020.

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7 Robert S. Lasnik
8 United States District Judge
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27 ability to opt out if they so choose.

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